

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL, CIVIL JURISDICTION

WRIT PETITION LODGING NO.2922 OF 2006

Central Railway Employees

Consumer Co-op. Society Ltd..Petitioner

Vs.

The State of Maharashtra & Anr..Respondents

Mr. A.M.Sarogi, for the Petitioner

Mr. A.N.Samant, for respondent No.1.

**CORAM: F.I. REBELLO &
ANOOP V. MOHTA, JJ.
DATE: 22ND DECEMBER, 2006**

P.C.

. In respect of the subject matter of the present petition the petitioner had already filed a suit. That suit was dismissed for non-prosecution.

2. Once a suit was filed and that has been dismissed it will not be open to the petitioner in respect of the same subject matter to file the present petition. At the highest the remedy for the petitioner is to move the Civil Court where the suit was filed for restoration by showing sufficient cause. With the above observation, petition disposed of.

(F.I. REBELLO, J)

(ANOOP V. MOHTA J).